

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LAURIE McCANN,

Plaintiff,

v.

Case Number 06-13150-BC
Honorable Thomas L. Ludington

MIDLAND COUNTY EDUCATION
SERVICES AGENCY, CLARK VOLZ,
VICKI DUSO, and JEFFREY CLARK,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION AND
GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO FILE A
RENEWED MOTION FOR SUMMARY JUDGMENT**

This matter is before the Court on Plaintiff Laurie McCann's motion for partial reconsideration or clarification [Dkt. # 101] and motion for leave to file dispositive motion and motions in limine [Dkt. # 98].

Plaintiff's motion for clarification requests the Court to clarify or reconsider its January 16, 2008 order striking Plaintiff's amended complaint. In that order, the Court ordered Plaintiff to file a second amended complaint that solely recounts the factual predicate for Plaintiff's 42 U.S.C. § 1983 claim alleging violation of Plaintiff's Due Process rights under the Fourteenth Amendment. See Dkt. # 99. The Court does not see basis for further explanation of its order. Thus, the Court will deny Plaintiff's motion.

Next, Plaintiff filed a motion to file a renewed motion for summary judgment and motions in limine. Previously, the Court allowed Defendant to file a renewed motion for summary judgment because Plaintiff's complaint did not clearly allege the 42 U.S.C. § 1983 Due Process claim. See Dkt. # 62. Plaintiff requests the Court to grant leave to file a renewed cross motion. The Court will

allow Plaintiff to file a renewed motion, but her motion shall be solely limited to the Due Process claim.

Additionally, Plaintiff requests to file additional motions in limine. Previously, Plaintiff filed six motions in limine. The Court heard the motions and decided the motions on the merits. See Dkt. # 76. At that hearing, the Court was unable to decide Defendants' motion in limine because the Court focused its time on Plaintiff's motions. As a result, the Court denied Defendants' motion without prejudice and indicated that Defendants may renew their motions prior to trial.

Plaintiff now contends that the Court should allow her to file additional motions in limine regarding the deposition of Phyllis Everest. Plaintiff acknowledges that the parties discussed a motion in limine prior to filing her motions regarding Ms. Everest's deposition. Plaintiff did not file a motion in limine regarding the deposition at that time. The Court concludes that Plaintiff had an opportunity to file the motion in limine at that time. Thus, the Court will deny her motion with respect to filing renewed motions in limine.

Accordingly, it is **ORDERED** that Plaintiff's for leave to file dispositive motion and motions in limine [Dkt. # 98] is **GRANTED** in part and **DENIED** in part. Plaintiff may file a renewed motion for summary judgment regarding Plaintiff's Due Process claim **on or before February 1, 2008**. Defendants may file a response **on or before February 8, 2008**. Plaintiff's motion is **DENIED** with respect to filing additional motions in limine.

It is further **ORDERED** that Plaintiff's motion for reconsideration or clarification [Dkt. # 101] is **DENIED**. Plaintiff will file her amended complaint **on or before January 25, 2008**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 23, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 23, 2008

s/Tracy A. Jacobs
TRACY A. JACOBS